

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

LORIE FEISTL, :
Plaintiff : CIVIL ACTION NO. 3:14-0491
v. : (JUDGE MANNION)
LUZERNE INTERMEDIATE UNIT, :
ANTHONY GRIECO, RONALD :
MUSTO, GREG KOONS, BETTY :
JEAN SEGGEAR, and KIM :
GEISINGER :
Defendants :

ORDER

In light of the memorandum issued this same day, **IT IS HEREBY ORDERED THAT:**

- (1) The defendants' motion to dismiss the plaintiff's second amended complaint, ([Doc. 53](#)), is **GRANTED IN PART AND DENIED IN PART**.
- (2) The defendants' motion to dismiss the plaintiff's second amended complaint is **GRANTED** as follows:
 - (a) Counts One (Illegal Search), Two (Illegal Seizure) and Three (Due Process), are dismissed against defendant LIU and the individual defendants in their official capacities;
 - (b) Counts Four (Conspiracy to Interfere with Civil

Rights), Five (Neglect to Prevent Conspiracy), Eight (Defamation), Nine (Invasion of Privacy - False Light), Twelve (IIED) and Thirteen (First Amendment) are dismissed against all defendants.

- (c) Counts Sixteen (PHRA Discrimination) and Seventeen (PHRA Retaliation) are dismissed against defendant Geisinger only; and
 - (d) the plaintiff's request for punitive damages in the remaining claims are dismissed against defendant LIU and the individual defendants in their official capacities.
- (3) The defendants' motion to dismiss the plaintiff's second amended complaint is **DENIED** as follows:
- (a) Counts One (Illegal Search), Two (Illegal Seizure) and Three (Due Process) against the individual defendants in their individual capacities will proceed;
 - (b) Counts Six (Failure to Accommodate - Section 504 of the Rehabilitation Act), Seven (Retaliation - Section 504 of the Rehabilitation Act), Ten (FMLA Interference), Eleven (FMLA Retaliation), Fourteen (ADA - Discrimination) and Fifteen (ADA - Retaliation) will proceed; and

(c) the plaintiff's claim for liquidated damages in
Counts Ten (FMLA Interference) and Eleven
(FMLA Retaliation) will proceed.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: March 24, 2016

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